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SENATE BILL 1597  
By Burchett

AN ACT to amend Tennessee Code Annotated, Title 56 and Title 68, Chapter 102, to enact "The Volunteer Firefighter Protection Act of 2001".

WHEREAS, in the state of Tennessee there are over 22,000 volunteer firefighters and 418 volunteer fire departments; and

WHEREAS, not all firefighters have adequate, if any, fire department-maintained health insurance to provide for their safety and well-being; and

WHEREAS, during the course of protecting the lives and property of their fellowman, volunteer firefighters sometimes get hurt; and

WHEREAS, without proper health insurance, such injuries go untreated, forcing such volunteer firefighters to miss employment as well as volunteer fire protection duties; and

WHEREAS, it is necessary and proper to provide health and accident insurance for volunteer firefighters in the state of Tennessee; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 102, is amended by adding Sections 2 through 4 of this act as a new part thereto.

SECTION 2.

Section 68-102-301.

(a) All volunteer fire departments in the state of Tennessee shall obtain adequate health and accident insurance covering all volunteer firefighters.

(b) All volunteer fire departments in the state of Tennessee shall be registered with the state fire marshal and shall be recognized as a fully functional fire department by the Tennessee Fire Service and Code Academy as well as the state fire marshal's office.

(c) The health and accident insurance provided by this act shall be allocated to volunteer fire departments upon their request after registering with the state fire marshal's office.

(d) Before a fire department can be registered and deemed an official fire department, the Tennessee fire marshal's office shall send a representative to verify the legitimacy of such fire department.

(e) Any fire department not registered with the state fire marshal upon the effective date of this act shall be required to be registered by July 1 of the following year.

(f) The money allocated to the volunteer fire departments by this act shall be used only for the purchase of health and accident insurance for firefighters.

SECTION 3.

Section 68-102-302.

(a) For insurance purposes Tennessee fire departments shall be classified as:

(1) Volunteer fire departments are those in which a chief is the only employee who may be compensated. The chief would, however, be covered by the insurance policy whether or not such chief receives compensation; and

(2) A partial volunteer fire department is one in which a number of firefighters receive compensation and a number of firefighters do not receive compensation.

(b) Insurance coverage shall be restricted to firefighters who are injured while performing an official fire department task that is directly related to the fire department and its responsibilities.

(c) All firefighter injuries shall be reported within forty-eight (48) hours to an official of such fire department.

#### SECTION 4.

Section 68-102-303.

(a) Revenues received pursuant to Section 4 of this act shall be held in a separate fund by the commissioner, and shall be designated as the "Volunteer Firefighter Insurance Fund". Such fund shall be for the purchase of health and accident insurance for volunteer firefighters. Payments from such fund shall be made only on the warrant of the commissioner.

(b) The funds in the "Volunteer Firefighter Insurance Fund" shall not revert at the end of any fiscal year but shall remain in such fund until expended pursuant to this act.

(c) Funds for the purchase of health and accident insurance for firefighters shall be apportioned to volunteer fire departments according to the percentage of the firefighters each department maintains.

#### SECTION 5.

(a) Tennessee Code Annotated, Section 56-4-208, is amended by adding the following as new subsection (b) and by relettering the existing subsection (b) and subsequent subsection accordingly:

(b) In addition to the premium taxes levied by § 56-4-205 and the fees imposed by subsection (a), all companies writing fire insurance and lines of business having fire coverages as a part of the risk rate shall pay thirty-two hundredths of one percent (.32%) on that portion of the premium applicable to the fire risk for the purpose of implementing the provisions of this act.

(b) Tennessee Code Annotated, Section 56-4-208, is further amended by deleting in the first sentence of existing subsection (b) the language "For the purpose of subsection (a)" and by substituting instead the language "For the purposes of subsections (a) and (b)".

(c) Tennessee Code Annotated, Section 56-4-208, is further amended by deleting in the existing subsection (c) the language "This tax" and by substituting instead the language "These fees".

SECTION 6. This act shall take effect July 1, 2001, the public welfare requiring it.